

BCDC Application Instructions

Complete Instructions for Applying
for Project Approval from the
San Francisco Bay Conservation
and Development Commission

March 1998

This publication was prepared with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, United States Department of Commerce, under the provisions of the federal Coastal Zone Management Act of 1972, as amended. Pursuant to the specific provisions of section 303(2)(F) of the federal Coastal Zone Management Act, the objective of this publication is to simplify procedures and expedite governmental decision-making. To accomplish this objective, this publication provides guidance for completing the "BCDC Application Form." To explain the purpose of the form's questions and to provide supplementary guidance for completing the form, this publication paraphrases the statutory requirements of federal and state laws, the provisions of the Commission's regulations, and the policies in the Commission's San Francisco Bay Plan and Suisun Marsh Protection Plan. However, this publication does not establish any requirements for completing the application form beyond what are independently required by the Commission's laws, regulations and policies. In the event of any inadvertent inconsistency between the guidance provided in this document and the precise requirements of the referenced laws, regulations and plan policies, the precise requirements shall prevail. This informational publication has not been adopted as a regulation pursuant to the California Administrative Procedures Act.

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Introduction

Using these Instructions

Every effort has been made to provide full and clear instructions for preparing a complete application. However, in some cases an applicant may want to refer directly to the laws, plans and regulations which the Commission administers for further guidance or information. Therefore, where the instructions are based on specific legal requirements, bracketed [] citations are included.

These instructions also use many terms that have precise definitions. When one of these terms is used, it is *italicized* to indicate that the meaning of the term can be found in the **Definitions** section which begins on page 13.

Applicants are encouraged to contact the Commission's staff for assistance in completing an application.

Structure of the Application Form

There are a total of 12 sections in the application form, each section in a numbered box. The boxes are arranged by subject to solicit all the information needed to process an application. Depending on the type of activities that are involved in a proposed project and where the project is to be located, different boxes must be completed. It is not necessary to complete all of the boxes for any particular project.

All questions in the boxes relevant to a project must be answered clearly and completely. Applicants can save considerable time by submitting all the necessary information at the outset because an incomplete application cannot be filed.

If additional space is needed for any information required to complete the application form, provide the information in an attachment identified according to the box and section number on the form.

Completing an Application

In addition to the information that must be provided in response to the questions in the application form, other material must be included in a complete application. This material is summarized in the **Application Checklist** that appears inside the cover of the application form. Each item is described in detail in one of the **Special Instructions** that are found throughout the following general instructions.

Federal Projects

These instructions and the accompanying application form can be used to apply for Commission approval under the "federal consistency" requirements of the federal Coastal Zone Management Act. To provide the Commission with the information needed to determine whether a federal project is consistent with the *Coastal Management Program for San Francisco Bay*, a federal agency can either complete the application form or submit a separate document that contains all of the project details, data and other material required by the application form.

Application Instructions

On the cover page, check one or more of the purposes of the application. If the application is intended to serve as a “Notice of Intent to Proceed” under an existing BCDC regionwide permit, indicate the permit number which can be found in the **Special Instructions: Regionwide Permits** on page 11. If the application is for a material amendment to a currently valid existing BCDC permit, indicate the permit number. If the form is to serve as a federal consistency certification, indicate the type of federal license, permit or financial assistance being sought, the federal agency which administers the federal regulatory or financial assistance program, and the name and section of the federal statute under which the license, permit or financial assistance is granted.

Routine Maintenance Work

A wide variety of *routine maintenance and improvement* activities have been preauthorized by the Commission. To get approval to undertake a *routine maintenance* project, it is necessary to submit a “Notice of Intent to Proceed under a Regionwide Permit” or a “Notice of Intent to Proceed under an Abbreviated Regionwide Permit” to BCDC and receive notification from the Commission’s staff that the project has been authorized by one of the regionwide permits described in the **Special Instructions: Regionwide Permits** on page 11 or an abbreviated Regionwide Permit.

Abbreviated Regionwide Permits generally authorize routine repairs and maintenance work to water-oriented structures and removal of structures in the Bay; routine repairs and maintenance work on residential structures located on land; and many temporary facilities located on land. There is a separate “Notice of Intent to Proceed under an Abbreviated Regionwide Permit” form and instruction booklet.

The application form can serve as a “Notice of Intent to Proceed under a Regionwide Permit.” Use the Application Checklist found at the beginning of the application form to ensure that all the required information and exhibits have been included along with a fully completed application so that the Notice of Intent is complete. Note that extra copies of some of the material must be provided.

IMPORTANT: Work on any *routine maintenance* project cannot be started until you have been notified by the Commission’s staff that the project described in the “Notice of Intent to Proceed” has been preauthorized by one of the Commission’s regionwide permits.

Box 1: Applicant Information

Section (a) seeks information about the owner of the property on which the project will be located. If the applicant owns the project site, simply go on to the next section. To assure that the property owner agrees to the representations in the application and agrees to be bound by the commitments of the applicant, the property owner must be a co-applicant. If there is more than one owner, the information indicated in **section (a)** must be provided for each legal or equity interest holder in the property.

In **section (c)**, provide information about the project applicant (the individual, corporation, government agency, or other legal entity to whom the approval is to be issued). Indicate whether the applicant is an individual, legal entity (corporation, partnership, etc.) government agency or a non-profit organization. **Special Instructions: Applicants that are Legal Entities** are found on page 2.

Sometimes an applicant, owner or co-applicant is represented by another person who handles the details of securing Commission approval of a project. If this is the case, provide information about these representatives in the appropriate space. Under “Affiliation to...” indicate the representative’s role in a project, such as architect, engineer, consultant, applicant’s employee, city manager, attorney, etc. If there are no representatives, check “None.”

If the applicant, property owner or co-applicant is represented by someone else, the appropriate space must be completed and signed to provide the representative with legal authorization.

It is necessary for the applicant or the land owner to have adequate legal interest in the underlying property to carry out the project and comply with

any conditions that may be a part of the Commission's approval. This legal interest must be one of the following:

- A **fee interest** that allows the proposed activity.
- A sufficient **easement** that allows the proposed activity.
- A **leasehold** whose remaining period of occupancy is long enough to provide a reasonable amortization period for the proposed project and whose terms allow construction and use of the proposed project.
- An enforceable **option** if the property owner is a co-applicant.
- The authority and commitment to acquire the property by **eminent domain**.

The **Special Instructions: Proof of Legal Interest** below describe in detail the title documents that must be submitted as part of an application.

If there are any co-applicants other than the property owner, information about them needs to be provided in **section (e)**. If there are no other co-applicants, check "None." Sometimes there is more than one co-applicant. If more space is needed, provide the information in an attachment labeled Box 1(e).

Box 2: Certification of Accuracy of Information

This box, which certifies the accuracy of the information provided in the application form, must be signed by every applicant, co-applicant or repre-

sentative who has been legally authorized to act on behalf of the applicant or co-applicant in Box 1. If the property is held in joint ownership, all parties having an interest in the property must sign. Both spouses must sign an application for a project they own jointly. If additional space is needed for the signatures of all of the co-applicants, provide these signatures in an attachment identified as Box 2.

SPECIAL INSTRUCTIONS:

Applicants that are Legal Entities

If the applicant is a public agency, corporation, partnership or other legal entity, evidence must be provided to ensure that the person who signs the application is empowered to represent and make commitments on behalf of the organization submitting the application. To accomplish this, such applications must include either a resolution authorizing the person who signs the application to represent and bind the applicant or bylaws that establish that the person who signs the application holds a position that is empowered to act on behalf of the legal entity. Corporate resolutions must be from the corporation's board of directors. Public agency resolutions must be from the city council, board of supervisors or similar highest policy body which governs the organization.

SPECIAL INSTRUCTIONS: Proof of Legal Interest

To establish that the applicant or co-applicant has adequate legal interest in the property on which the project is to be built, it is necessary for the application to include a **property map** and either a recently issued **title report**, a copy of a **grant deed** (both of which must include a map and a metes and bounds description) or other information of similar accuracy and reliability to show that either the applicant or co-applicant holds the interest in the project site. An applicant for a project that involves the placement of fill in San

Francisco Bay for purposes other than shoreline protection or the repair of existing structures must provide a title report or other acceptable documentation that is no more than two years old.

The **property map** (or maps) must either be a copy of an official parcel map obtained from a county assessor's office annotated as follows or a specially prepared map showing the following:

- Metes and bounds descriptions for all property lines and easement lines.

- All property lines, easement lines, and current assessor parcel numbers for the property on which the project will occur.
- A north arrow, graphic scale, project name, the *shoreline*, an identification of the exhibit as a property map, the date of the plan's preparation, and the name, address, and telephone of the person who prepared or annotated the map.

[California Code of Regulations, sections 10310(c) and 10313]

Plans and Maps

Several of the following boxes solicit information about the project and the project site. Because forms do not lend themselves to portraying the details of projects, the most important source of this information is the plans and maps which must be included to complete an application. The **Special Instructions: Plans and Maps** on page 5 describe the graphic material that must be submitted to complete an application.

Box 3: Project Information

Box 3 must be completed by all applicants. Indicate the name of the project (if any) in **section (a)**. In **section (b)** provide a one-sentence description of the project which indicates the major purposes that the project will serve (e.g., commercial, flood control, marina berths, residence, etc.)

In **section (c)**, based on a estimate of how long it will take to get all the necessary approvals, secure financing, and undertake other preliminary work, indicate when the work to be authorized can begin. In addition, based on a realistic construction schedule, indicate when the work will be completed. In **section (d)**, check the appropriate box.

While applications for projects in the Suisun Marsh require virtually the same information as is required for Bay projects, there are two items of information that are unique to Suisun Marsh projects. In this box provide the requested information on local marsh development permits and duck club numbers. Be sure to check “None” if it applies.

In **sections (e), (f), and (g)**, indicate whether the project includes activities in any of these areas.

In **section (h)**, indicate the *total project cost*. If the application is for a permit amendment, this figure should be the cost of the portion of the project to be authorized by the amendment.

In **section (i)**, indicate the fee that is required based on the **Special Instructions: Processing Fees** on page 4. A check in the correct amount made payable to BCDC must be submitted as part of the application.

Box 4: Total Project and Site Information

This box must be completed by all applicants. The statistical information provided in this box must be consistent with the graphic information provided on the project site plan. The information provided

applies to the current conditions on the site prior to any of the work that is described in the application.

In **sections (a) and (b)**, provide the address of the project site. If the project is in a rural area and has no street address, provide a description of the project location by indicating the name of the community or other general area, where the project will be located as well as its relationship to the nearest road, slough, island, bay or other feature.

In **section (c)**, list the assessor’s parcel number(s) for the property or properties on which the project will be located. If there is no assessor’s parcel number, check “None” and provide brief legal description of the property.

In **section (d)**, if any BCDC permits have previously been issued to authorize work on the project site, even if the permits have expired or the work was never carried out, provide the permit numbers. Check “None” if no such permits have been issued.

In **section (e)** indicate the length of the existing *shoreline* on the project site.

Sections (f) through (j) require information about the total project site, not just the portion within BCDC jurisdiction. If the site does not contain one of the specified features, enter “-0-”. In **section (f)** provide the length of the existing shoreline of any adjacent property under the same ownership as the project site. The figure in **section (j)** should include the portion of the property that is covered by water at the lowest stage of the tide.

Section (k), which must be completed by all applicants, requires additional information that must be provided in an attachment. This information should be properly identified as Box 4(k)(1) through (4). The response to this box is particularly important because the information may be directly quoted in the application summary.

Box 5: Bay Fill Information

This box needs to be completed by those applicants who are proposing to place any type of *fill* within *San Francisco Bay*, the *primary management area of the Suisun Marsh*, a *salt pond*, a *managed wetland* or a *certain waterway*. This box does not apply to *fill* that would be placed in the *shoreline band*.

SPECIAL INSTRUCTIONS: Processing Fees

Fees are charged to cover a small portion of the cost of processing an application. The amount of the fee is based on the project's location and the *total project cost*. The accompanying table indicates the most common categories of fees. Fees for projects that fall into two or more categories are based on the fee for the highest category, not the total of all categories. Fees for emergency permits are the same as fees for ordinary projects. Fees for material amendments are the same as the fees for new projects. Fees for applications arising from enforcement investigations are double the cost of normal fees. [California Code of Regulations, section 10337]

None of the fees can be waived for any reason. Refunds of a portion of a permit fee can be made if an application is withdrawn. The amount of the refund depends on the type of authorization applied for and when the application is withdrawn. [California Code of Regulations, section 10335]

If the Commission serves as the "lead agency" under the provisions of the California Environmental Quality Act, an additional fee of \$300 is charged for analyzing, processing and distributing environmental documents. In addition, another \$500 fee is charged if an environmental assessment must be prepared. The applicant may be required to pay the cost of retaining consultants if the Commission's staff determines that specialized information is needed to complete the required environmental analysis of a project. If an EIR must be prepared for the Commission either by its staff or a consultant, the cost of this work must be paid by the applicant. [California Code of Regulations, section 11540 et seq]

If there is any question about the amount of the fee that must be paid to process an application, this matter should be discussed with the Commission's staff before submitting the application. An application cannot be officially filed until the proper processing fee is received by the Commission.

*FEE SCHEDULE**

<input type="checkbox"/> The first time extension to a permit:	\$50
<input type="checkbox"/> A nonmaterial amendment to a permit other than a first time extension:	\$100
<input type="checkbox"/> An activity authorized by a regionwide permit:	\$100
<input type="checkbox"/> A minor repair or improvement with a total project cost (TPC) of:	
• Less than \$300,000	\$150
• \$300,000 to \$10,000,000	.05% of TPC
• More than \$10,000,000	\$5,000
<input type="checkbox"/> Any other project that does not qualify as a minor repair or improvement with a total project cost (TPC) of:	
• Less than \$250,000	\$250
• \$250,000 to \$10,000,000	.1% of TPC
• More than \$10,000,000	\$10,000
<input type="checkbox"/> Federal consistency submittal:	none

*All fees are doubled for "after-the-fact" applications to correct violations.

Sections (a) through (n) require information about the project as it will appear after any requested fill is in place. The statistical information provided must be consistent with the graphic information provided on the project site plan. Provide a figure in each blank space. If one of the sections does not apply to the project, enter "-0-". Be certain that the figure in **section (a)** is entered in cubic yards and the figures in **sections (b) through (m)** are in square feet. In **sections (c) through (e)** indicate the types of fill

that are proposed to be used in the project, and in **sections (g) through (k)** indicate the types of areas that will be covered with fill. The figure in **section (f)** must equal the total of **sections (b) through (e)**. In **section (h)**, indicate the area of tidal marsh (vegetated area up to five feet above mean sea level) and mudflat (unvegetated soft Bay bottom between mean lower low water line and the *shoreline*) that will be filled as part of the project.

SPECIAL INSTRUCTIONS: Plans and Maps

Every application must include a **vicinity map** and a **project site plan**.

The **vicinity map** must be either an 8½"x11" portion of a United States Geological Survey topographical map (7.5 minute series) or a similar 8½"x11" map which shows the project site in relation to the shoreline, major roadways, and other landmarks.

The **project site plan** must be at a scale which allows the details of the proposed project to be adequately illustrated. The plan (or set of plans if all the information cannot be shown on one drawing) must show exactly the nature, scope and location of the proposed work and clearly distinguish between existing and proposed conditions. The plan must include all of the following specific elements:

- The *shoreline*.
- A line 100 feet inland from the *shoreline*.
- Property lines.
- Any salt ponds, managed wetlands, marshes or mudflats on the project property.
- A north arrow, graphic scale, project name, an identification of the exhibit as a project site plan, the date of the plan's preparation, and the name, address and telephone number of the person who prepared the plan.
- Location and names of nearby roads, streets or highways.
- Existing control points, important geographic, topographic or physical features, and all major fixed objects and structures on the project site.
- Existing and proposed building elevations.
- Existing and proposed topography, including especially the existing and proposed top and toe of the bank if solid fill, excavation or dredging is proposed in the application.
- Existing and proposed improvements.
- All major utilities.

- Existing and proposed public access areas, including any areas that will be reserved for public access as part of the project development and any improvements that are proposed to be made in the public access area, such as parking, landscaping, pathways, benches, etc.

In addition to providing a large scale project site plan, applicants for major projects must also provide seven high quality copies of an 8½"x11" reduction of the site plan. Applicants for *minor repairs or improvements or routine maintenance* projects need to provide only one high quality 8½"x11" reduction of the project site plan.

In some cases, instead of providing high quality 8½"x11" reductions that are suitable for reproduction, applicants may furnish 235 copies of exhibits of another size. Applicants should consult with the Commission's staff to determine if this option is appropriate.

[California Code of Regulations, section 10310(c)]

In **section (n)**, indicate the basic purpose of the new fill (for example, accommodating part of a building, a port terminal, a marina, etc.)

In **section (o)**, provide additional information about the proposed fill, and the structures and uses proposed thereon. This should correspond to the project site plan.

Section (p) identifies nine specific requirements for additional information that must be provided in an attachment. This information should be properly identified as Box 5(p)(1), (2), (3), etc. The responses to this section are particularly important because they may be directly quoted in the application summary that is mailed to the Commission and the

general public prior to a public hearing. This section provides the applicant with an opportunity to present a narrative describing the benefits of the proposed fill and to offer an assessment as to how the fill complies with the Commission's policies.

Section (p)(7) requires information about mitigation. To establish whether mitigation is needed, the attachment which responds to this section should clearly state how much and what kinds of tideland habitats (such as high elevation salt marsh, pickleweed marsh, cordgrass marsh, intertidal mudflats, and subtidal lands) will be lost or disturbed in constructing the project, and how the project will affect such resources as Bay tidal prism, surface area, and water circulation.

SPECIAL INSTRUCTIONS:

Narrative Information

Most of the information that the Commission needs to evaluate a project can be provided by filling in the blanks on the application form. However, some information must be provided in a narrative format in an attachment. This information may be directly quoted in the application summary that is mailed to the Commission and the general public prior to a public hearing. Therefore, it is to the applicant's advantage to provide a complete description of the project, explain the public benefits of the project, discuss how the project complies with the Commission's policies, and describe the merits of any mitigation or public access that is proposed as part of the project. In other words, the required narrative can be used as an opportunity to advocate to the Commission for the project's approval.

SPECIAL INSTRUCTIONS:

Projects Involving Structures on Fill

To assist the Commission in evaluating the safety of buildings and other facilities that are proposed to be constructed on Bay fill, applications for such projects are evaluated by the Commission's Engineering Criteria Review Board. Geotechnical reports, structural plans, engineering analyses and design calculations are needed for Board review. The Commission's staff determines whether a project must be analyzed by the Engineering Criteria Review Board. Thirteen 12"x18" reductions of the drawings, along with all other necessary reports and analyses, must be provided at least 14 days before the Board's scheduled review of the project.

[California Code of Regulations, section 10316]

To help determine whether mitigation is needed, applicants should refer to the Commission's "Mitigation Practices Guidebook" which describes the mitigation programs that the Commission has required for various types of fill projects. A review of this guidebook along with the project's environmental assessment often make it clear whether mitigation will be necessary. If mitigation is needed, a mitigation plan described in the **Special Instructions: Mitigation Plan** on page 8 should be included

as part of the application. Including this plan as part of an application can prevent delays during the application review process.

Box 6: Shoreline Band Information

This box needs to be completed by applicants who propose to undertake work within the *shoreline band* that extends 100 feet inland from the *shoreline* of San Francisco Bay. The statistical information provided in this box must be consistent with the graphic information provided on the project site plan.

In **section (a)**, describe the basic nature of the proposed project (for example, building a residence, subdividing a lot, paving a parking lot, etc.)

In **section (b)**, indicate whether the project will be located within a *priority use area* designated by the Commission. If so, indicate which of the following priority uses the area is reserved for: port, water-related industry, airport, wildlife area or waterfront park or beach.

In **section (c)**, indicate the total area of the project site within the shoreline band.

In **sections (d) and (e)**, distinguish the areas to be reserved for private and public uses. The total of **sections (d) and (e)**, should equal **section (c)**.

In **section (f)**, provide additional information about the proposed shoreline band work. This should correspond to the site plan.

SPECIAL INSTRUCTIONS:

Shoreline Protection Projects

Seawalls, revetments or bulkheads are sometimes needed to protect shoreline property from tidal erosion. The Commission can approve some fill for an erosion control project if the project is properly designed to handle the erosion conditions at the site, meets sound engineering standards, protects natural resources by using only the minimum amount of fill necessary, creates conditions suitable for marsh growth where feasible, and includes a long-term maintenance program. Using loose dirt, concrete slabs, asphalt, bricks, scrap wood or other kinds of debris for shoreline protection is generally ineffective and cannot be authorized by the Commission.

Box 7: Public Access Information

California law requires that “maximum feasible public access [to the shoreline and water of San Francisco Bay], consistent with a proposed project, should be provided” in every project authorized by the Commission. [California Government Code sections 66602 and 66632.4] **Box 7**, which must be completed by all applicants, describes the information needed to address this legal requirement.

To achieve this mandate, the Commission often includes public access conditions in its permits. The public access needed for a residence may be as little as a shoreline path or viewing area, while the access needed for a large project may include plazas, sidewalks, landscaping, parking and other amenities, all provided and maintained by the project sponsor.

Public access is most effective when it is integrated into the design of a project. It is also easier and faster for the Commission to process an application for a project that includes proposed public access than it is to formulate public access conditions. Applicants are encouraged to refer to the Commission’s booklet, “Public Access Design Guidelines” which has been prepared to assist applicants in designing effective, attractive and acceptable public access proposals.

In areas where it is unsafe, impossible or infeasible to provide public access on a project site, the Commission’s Bay Plan policies call for “in lieu” public access to be provided by the project sponsor at an offsite location.

Box 7, which must be completed by all applicants, requires the information needed to determine whether public access must be provided as part of a project and where the access should be located.

Sections (a) through (c) asks for information that is important in determining what public access exists at the site, what impacts the project may have on present or future public access, and whether public access should be provided as part of the project.

The statistical information provided in **section (d)** about the public access proposed as part of the projects must be consistent with the graphic information provided on the project site plan. The information provided in these sections should apply to the total project, not just that portion within the Commission’s jurisdiction.

In **section (e)**, provide additional information about the proposed public access, including any improvements and connections to other public areas, and how the public access will be permanently guaranteed.

Box 8: Dredging Information

This box must be completed by applicants who propose to dredge material from or dispose of dredged material within *San Francisco Bay*, the *primary management area of the Suisun Marsh*, a *salt pond*, a *managed wetland* or a *certain waterway*.

In **section (a)**, indicate the basic purpose of the dredging (for example, deepening a navigational channel, extracting sand, accommodating a marina, etc.) In **section (b)**, indicate the method of dredging (for example, clamshell, hydraulic, etc.)

Sections (c) through (h) require information about the volume and size of the dredging. Provide a figure in each blank space. If one of the sections does not apply to the project, enter “-0-”. Be certain that the figures in **section (c) through (e)** are entered in cubic yards and the figures in **sections (f) through (h)** are in square feet. The figure in **section (e)** must equal the total of **sections (c) and (d)**, and the figure in **section (h)** must equal the total of **sections (f) and (g)**.

In **section (i)**, provide a detailed description or attach a map of the location where the dredged materials will be disposed. In **section (j)**, indicate the amount of the material to be disposed.

In **section (k)**, indicate the amount of maintenance dredging that is estimated to be needed each year to maintain the water depth that will be achieved by the proposed dredging project.

Section (l) identifies three specific requirements for additional information that must be provided in an attachment. This information should be properly identified as Box 8(l)(1), (2) and (3). The responses to (l)(1) and (l)(2) are particularly important because they may be directly quoted in the application summary that is mailed to the Commission and the general public prior to a public hearing. Therefore, it is to the applicant’s advantage to provide a complete and detailed response to this section.

Section (l)(3) requires water quality documentation from the San Francisco Bay Regional Water Quality Control Board because the Commission will not approve a dredging or dredge disposal project until the water quality board has determined that the project will not adversely impact water quality.

Box 9: Government Approvals

In most cases, projects requiring Commission approval also require the approval of other agencies. It is the applicant's responsibility to secure all the necessary permits. Of particular importance is the approval of the city or county with jurisdiction over a project for activities such as excavation, property subdivision, fill, conditional use, variances, zoning changes, annexation, and master plan or planned unit development approval.

Box 9 must be completed by all applicants. The box includes space to provide information about local discretionary approvals. Indicate the name of the approving agency (e.g., city, county, special district), the type of discretionary approval that is required (e.g., rezoning, subdivision, planned unit development, engineering, utilities, review by planning commissions or departments, port authorities, special committees, boards of supervisors or city councils, and regional bodies). Indicate the date that each approval has been obtained or is expected, and provide the name and phone number of a person on the local government staff who is knowledgeable about the approval. A copy of each final discretionary approval must be included in the application. If no discretionary local approvals are required for the project, check "None" and provide a report or letter from the local government confirming this.

The **Special Instructions: Local Government Approval** on page 9 provide additional guidance on local approvals.

Permits from other agencies may also be required before work on a project can begin. **Box 9** includes space for information about the four other

governmental approvals most often required by BCDC applicants, as well as one additional approval. If more approvals are required, they should be described in an attachment and labeled as Box 9. If no other governmental approvals are required for the project, check "None."

In **Box 9**, indicate whether approvals from the agencies listed are required. If an approval is required provide the date of each application and the date that each approval has been obtained or is expected. Finally, provide the name and phone number of a person on the agency staff who is knowledgeable about the approval.

Any necessary leases from the State Lands Commission must be obtained in order to have adequate legal interest in the property for an application to be filed. Therefore, title questions with the State Lands Commission should also be resolved prior to submitting an application to BCDC.

Permits from state and federal agencies usually need not be obtained prior to the Commission's consideration of a project application. However, applicants for projects that involve dredging, waste discharge or clean up of hazardous wastes should contact the San Francisco Bay Regional Water Quality Control Board and the U.S. Army Corps of Engineers at an early point in project planning. If the project poses water quality issues, these agencies may require special tests. Because the Commission usually will not approve a project until the water quality agencies have concluded that the project will not adversely impact water quality, it is to the applicant's advantage to begin any required testing as soon as possible.

SPECIAL INSTRUCTIONS: Mitigation Plan

If mitigation is needed to offset the adverse impacts of a Bay fill project, a mitigation plan containing the following information should be submitted as part of an application.

- Precise elevations at one foot contour intervals that are suitable for the desired plant and animal communities and that provide sufficient tidal prism and circulation to accommodate expected siltation.
- An analysis of both on- and off-site factors affecting tidal flow to the site, such as channel dimensions, levee breaches and tidal control structures.
- A soil analysis to determine whether the soils are suitable for establishment of target plant and animal communities.
- A list of the Bay resources to be created by the mitigation program with an indication of how much of the mitigation site is to be occupied by each habitat type.

SPECIAL INSTRUCTIONS: Design Review Board

•Projects often affect present or future possible public access to and along the Bay shoreline. To assist the Commission in evaluating the appearance, design and provision of maximum feasible public access, applications for larger projects are evaluated by the Commission's Design Review Board. The Commission's staff determines whether a project must

•be analyzed by the Design Review Board. To accommodate Board review, applicants for such projects must provide the following drawings that can be read from 20 feet: (1) a detailed site plan showing all existing and proposed conditions and structures; (2) a public access detail plan showing existing and proposed public access areas in relationship to the shoreline,

the Bay, nearby structures; (3) typical cross-structures and proposed sections of the access areas; (4) elevations of the proposed structures and access elements; and (5) ten 8½"x11" reductions of these drawings. These drawings must be provided at least 14 days before the Board's scheduled review of the project.

[California Code of Regulations, section 10315]

Box 10: Public Notice Information

This box must be completed by all applicants. The information provided will be used to notify neighbors and other interested persons about the application. If additional space is needed to provide a complete listing of all such persons, provide this information in an attachment identified as Box 10(a) or (b). If the local tax assessor's roll is used to determine the identity of the adjacent property owners, be sure to check the updates to the annual roll to find any recent property transfers.

Box 11: Environmental Impact Documentation

This box must be completed by all applicants to establish what kind of environmental documentation must be submitted as part of the application. The box contains four questions, each of which must be answered by checking either "Yes" or "No." If any local approval for the project is required, at least one of the questions must be answered "Yes." See the **Special Instructions: Environmental Documentation** on page 10 for additional information.

Box 12: Campaign Contributions

This box must be completed by all applicants. The box provides space to disclose campaign contributions of \$250 or more made to a Commissioner or alternate Commissioner within the past year. If additional space is needed to list all such campaign contributions, provide this information in an attachment identified as Box 12. If no campaign contributions have been made to Commissioners or their alternates, use a check mark to indicate this. A list of the current Commissioners and their alternates is available from the Commission's office.

This information must be provided to comply with state law. In addition, state law prohibits an applicant and his or her agent from contributing

\$250 or more to the campaign of any Commissioner or alternate while the application is pending or during a period of three months after the vote on the application. Violations are subject to fines of up to \$10,000.

Posting the Application Notice

After it is determined that an application is complete and is ready to be filed, the Commission's staff will send a pending application notice to the applicant who must post the notice at the project site. The applicant must return a form to the Commission to indicate that the notice has been posted before the application can be filed.

SPECIAL INSTRUCTIONS: Local Government Approval

If any discretionary local permit (i.e., other than a ministerial permit, such as a building permit) is required, this permit must be received before the Commission can file an application. If no local permit is required, an application can be filed directly with the Commission. [Government Code sections 66632(b) and (d)]

Although a BCDC application cannot be officially "filed" until the local government has approved the project, an applicant should not wait for local approval before contacting the Commission. By consulting with the Commission's staff during the local government's consideration of a project, the project design can be refined to address the Commission's requirements. This early consultation can avoid the need to return to a local government to gain acceptance of any special requirements imposed by the Commission.

Within the Suisun Marsh, Commission approval is required for development that is to be located in the primary management area. In addition, special marsh development permits are required from local governments, mainly Solano County and the cities of Fairfield and Suisun City, for work within the secondary management area of the Suisun Marsh. Approvals of local marsh permits can be appealed to the Commission.

SPECIAL INSTRUCTIONS: Environmental Documentation

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require that the environmental impacts of a proposed development be assessed before any permit is granted for the project. Because a local government is usually the “lead agency” under CEQA, the environmental review requirements are often completed before the Commission receives an application. The lead agency makes an “environmental determination” to establish whether a project: (1) is statutorily or categorically exempt from CEQA; (2) requires a negative declaration; or (3) requires an environmental impact document.

CEQA includes specific exemptions for activities that have insignificant environmental impacts. If the project is covered by one of these exemptions check “Yes” in **Box 11, section (a)** and attach a brief statement documenting this statutory exemption and citing the statutory section exempting the project. If available, this statement should be the environmental determination by the lead agency.

Similarly, other activities fall within categories that do not require the preparation of environmental impact docu-

mentation. If the project is covered by one of these exemptions, check “Yes” in **Box 11, section (b)** and attach a statement documenting this categorical exemption, citing the regulation section exempting the project. If available, this statement should be the environmental determination by the lead agency.

If another government agency has certified a “negative declaration” on the project, check “Yes” in **Box 11, section (c)** and include a copy of the declaration with the application. This determination must be submitted to the Commission before an application can be accepted for filing.

If the project requires the preparation of an environmental impact document, check “Yes” in **Box 11, section (d)** and include the document certified by the lead agency. If the document is longer than ten pages, a summary of the document not longer than ten pages must be included with an application for a major project. The summary is distributed to the members of the Commission for their use in deciding whether to approve the project. Therefore, the summary must clearly and objectively identify all the major environmental effects of the proposed project and the mitigation that is proposed to address these impacts. Applicants should consult with the Commission’s

staff to determine what information should be included in an environmental document and its summary.

If “No” is checked, consult with the Commission staff to determine the appropriate course of action.

If no local approval is required for a project, the Commission may serve as the lead agency in determining what provisions of CEQA are applicable to the project. The Commission’s regulatory program has been certified as being the “functional equivalent” of an environmental document. Therefore, the additional environmental information is usually included in the staff summary of the project rather than in a separate environmental impact document. In some cases, however, an environmental impact document must be prepared. Preparing environmental analysis, distributing environmental documents, and responding to comments on circulated documents require additional time. Applicants should anticipate these requirements if the Commission is required to serve as a lead agency. [California Code of Regulations, section 11500–11561]

As explained in the **Special Instructions: Processing Fees** on page 4, an additional fee of at least \$300 is required when the Commission serves as the lead agency on a project.

SPECIAL INSTRUCTIONS: Regionwide Permits

The Commission has issued the following eleven regionwide permits to preauthorize certain types of *routine maintenance* activities:

Regionwide Permit #1

Reconstruction and replacement of existing, currently-used timber, steel or concrete structural, shoreline protective works, such as bulkheads and seawalls that do not involve any substantial enlargement or any substantial extension into the Bay.

Regionwide Permit #2

Reconstruction and replacement of, and incidental additions to, existing currently used outfall pipes, service lines, utility cables, pipelines and similar facilities that do not involve any substantial enlargement or any substantial extension into the Bay.

Regionwide Permit #3

Reconstruction and replacement of existing, currently-used pilings, boat docks on pilings, boat slips and other pile-supported structures being used for water-oriented purposes, and wildlife habitat improvement structures, such as fish screens and ladders and other waterway devices that do not involve any substantial enlargement, any substantial extension in the water or wetlands, or any substantial change in use.

Regionwide Permit #4 (Discontinued)

Regionwide Permit #5

Placement, installation or construction of new ancillary facilities or improvements to, and the routine repair, reconstruction, replacement and maintenance of existing one- and two-family residences that comply with all of the following:

- do not involve any new fill in the Bay;
- are on parcels that do not have a topography suitable for shoreline access and are adjacent to existing or possible public access area; and
- are not otherwise subject to an existing Commission permit.

Regionwide Permit #6

Routine repair and maintenance of existing multi-unit residential and non-residential structures and associated facilities and paved surfaces (such as parking lots, driveways and paths) that do not involve any substantial change in use or any substantial increase in size or height of the structures being repaired or maintained, and that are not otherwise subject to an existing Commission permit.

Regionwide Permit #7

Construction of a floating dock and/or fixed pier for the mooring of a boat that satisfies the following criteria:

- the pier and/or dock is no larger than a total of 1,000 square feet;
- any pile-supported or cantilevered portion of the dock is no more than 8 feet wide;

- construction of the dock does not raise public access issues; and
- the project would have no adverse impact on Bay-related resources.

Regionwide Permit #8 (Discontinued)

Regionwide Permit #9

Most seismic retrofit work on state highways and bridges, performed within existing rights-of-way, that has no adverse impact on public access.

Regionwide Permit #10

Routine maintenance dredging of existing navigation channels and berthing areas of no more than 100,000 cubic yards of bottom materials and the disposal of the dredged material so long as:

- the disposal of the dredged material is at an approved upland disposal site or at the designated ocean disposal site; or
- the disposal of the dredged material is at a designated in-Bay disposal site and the disposal would meet the target volumes of the particular disposal site, there are no feasible upland or ocean disposal alternatives, and there are no significant adverse environmental impacts.

Regionwide Permit #11

Installation and use of new service lines, utility cables, and similar facilities that do not involve any significant adverse environmental impact.

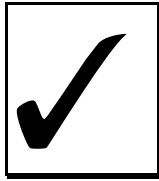
Regionwide Permit #12

Routine repair and maintenance of existing, currently-used, pile-supported structures being used for residential and other related purposes that do not involve any substantial enlargement, any substantial extension into the water or wetlands, or any substantial change in use.

Regionwide Permit #13

Placement, installation or construction, and use of new temporary facilities or improvements that comply with all of the following:

- do not involve a substantial enlargement to or change in use of any structure;
- do not involve any new permanent fill in the Bay;
- are no larger than a total 1,000 square feet;
- are in place for no longer than 180 days;
- do not adversely affect existing and future maximum feasible public access to the Bay and shoreline; and
- have no adverse impact on Bay-related resources.



A Final Checklist

Following these instructions should produce a complete and accurate application that can be accepted for filing by the Commission. Use the **Application Checklist** found at the beginning of the application form to ensure that all the required information and exhibits have been included. Note that extra copies of some of the material must be provided. It is also a good idea to make a copy of the application for your records before submitting it to the Commission.

Remember that the Commission's staff cannot officially file an application and begin processing it until all the required material has been provided.

Bay

See *San Francisco Bay*.

Certain Waterways

Plummer Creek in Alameda County, to the eastern limit of the salt ponds; Coyote Creek and its branches in Alameda and Santa Clara Counties, to the easternmost point of Newby Island; Redwood Creek in San Mateo County, to its confluence with Smith Slough; Tolay Creek in Sonoma County, the northerly line of Highway 37; Petaluma River in Marin and Sonoma Counties, to its confluence with Adobe Creek, and San Antonio Creek to the easterly line of the Northwestern Pacific Railroad right-of-way; Napa River, to the northernmost point of Bull Island; Sonoma Creek, to its confluence with Second Napa Slough; and Corte Madera Creek in Marin County to the downstream end of the concrete flood control channel. [Government Code section 66610(e)]

Coastal Management Program for San Francisco Bay

The coastal management program documents for the San Francisco Bay segment of the California coastal zone approved by the federal government under the provisions of the federal Coastal Zone Management Act of 1972, as amended. The management program includes a narrative portion that describes the Bay segment of the California Coastal Management Program and BCDC compliance with the requirements established by section 306 of the Coastal Zone Management Act. It also includes all relevant statutes, plans, and regulations. [California Code of Regulations, section 10124]

Development (within the *Bay or Shoreline Band*)

Most work, including placing *fill*, extracting or grading material, making repairs and making a *substantial change in use* of any water, land or structure. [Government Code section 66632]

Development (within the *Suisun Marsh*)

On land or under water, the placement of *fill* or the erection of any solid material or structure; the discharge or disposal of any dredged material or of

any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extracting any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act and any other division of land including lot splits; change in the intensity of use of water or in access thereto; construction, demolition, or alteration of the size or dimension of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation for other than for agricultural purposes. [Public Resources Code sections 29114, 29500, 29501, and 29508]

Dredging

Any excavation or extraction by hydraulic or mechanical means of material located (1) underwater, (2) in an area subject to tidal action, (3) in a *salt pond*, or (4) in a *managed wetland*. [Government Code section 66632]

Emergency

A situation that poses an immediate danger to life, health, or property. [California Code of Regulations, section 10120]

Fill

Dirt, sand, dredge spoils, debris, garbage, refuse, or any other substance or material, including pilings; any water coverage whether on pilings or by cantilever; any material, including structures, paving, and landscaping placed on land. Additionally, *houseboats*, floating docks, and any other structures moored for extended periods are also considered *fill*. [Government Code section 66632]

Houseboat

A boat that is used for residential or other non-water oriented purposes and is not capable of being used for active navigation. [California Code of Regulations, section 10127]

Live-aboard Boat

A boat that is not a transient boat, that is capable of being used for active self-propelled navigation, and that is occupied as a residence as that term is defined in California Government Code section 244. [California Code of Regulations, section 10128]

Managed Wetland

Any area adjacent to the Bay which was diked off from the Bay as of November 10, 1966, and used for a duck hunting preserve, game refuge or agriculture. [Government Code section 66610(d)]

Minor Repair or Improvement (within a *Salt Pond or Managed Wetland*)

(1) Reconstructing a utility tower; (2) the minimum repair of a protective work to stabilize an existing bank or improve a habitat area; and (3) placing a temporary structure or making a temporary use of an area for no more than 180 days. [California Code of Regulations, section 10601(c) and (e)]

Minor Repair or Improvement (within *San Francisco Bay*)

(1) Maintenance dredging completed within 30 months; (2) up to 100,000 cubic yards of new dredging completed within 30 months; (3) disposing of less than 30,000 cubic yards of dredged material at any location if the disposal has been approved by the Regional Water Quality Control Board and the U.S. Army Corps of Engineers; (4) disposing of dredged material at either the Alcatraz Island, San Pablo Bay, Carquinez Strait or Suisun Bay Channel disposal site if the disposal does not exceed annual target volumes for Bay disposal; (5) disposing of less than 20,00 cubic yards of in any year and no more than 50,000 cubic yards of dredged material over five years at either the Alcatraz Island, San Pablo Bay, Carquinez Strait or Suisun Bay Channel disposal site; (6) disposing of any amount of dredged material in the ocean, the *Suisun Marsh*, a *salt pond*, a *managed wetland*, or a non-aquatic location; (7) constructing a single boat dock no larger than 1,000 square feet or a multiple boat dock no larger than 5,000 square feet; (8) constructing a shoreline protection project that does not cover more than 10,000 square feet of Bay and is the minimum size needed to stabilize an existing bank or to improve a habitat area; (9) building a 1,000-square-foot or smaller extension of a shoreline structure over the Bay; (10) placing an outfall pipe that has been approved by the Regional Water Quality Control Board; (11) placing a utility cable on the Bay bottom; (12) routine repair work that does not involve any enlargement or *substantial change in use*; (11) placing up to 1,000 square feet of fill to improve shoreline appearance or public access; and (14) placing a temporary structure or making a temporary use of an area for no more than 180 days. [California Code of Regulations, sections 10601(a), (e) and (f), 10602, and 10713.5]

Minor Repair or Improvement (within *Suisun Marsh*)

(1) Any work that qualifies as a *minor repair or improvement within a salt pond or managed wetland, within San Francisco Bay, or within the shoreline band*; (2) removing vegetation; (3) a lot split; (4) the discharge of material approved by the San Francisco Bay Regional Water Quality Control Board; (5) grading; (6) most work on structures smaller than 10,000 square feet; and (7) placing a temporary structure or making a temporary use of an area for no more than 180 days. [California Code of Regulations, section 10601(d) and (e)]

Minor Repair or Improvement (within the *Shoreline Band*)

(1) Most any work that does not have any adverse impact on present or possible future public access to the Bay or on the use of areas the Commission has reserved for priority water-related uses; (2) building a one- or two-family residence or ancillary structure on a property that has no more than 200 feet of Bay frontage, that is not owned by someone who also owns adjacent properties that together have a Bay frontage of more than 200 feet, and that was not subdivided between November 10, 1969 and June 17, 1987; (3) most work that does not result in any change in use, piles, or water coverage of a structure built on piles in the Bay that existed on September 17, 1965; (4) constructing a shoreline protection project that is the minimum size needed to stabilize an existing bank or to improve a habitat area; (5) routine work that does not involve any enlargement or *substantial change in use*; (6) a land division; and (7) placing a temporary structure or making a temporary use of an area for no more than 180 days. [California Code of Regulations, section 10601(b) and (e)]

Primary Management Area

The portion of the *Suisun Marsh*, including Suisun and Grizzly Bays, sloughs and waterways, managed wetlands, tidal marshes and lowland grassland located below the ten-foot contour line. [Public Resources Code sections 29101, 29102, and 29103] The *primary management area* is shown on the map "Boundaries of the Suisun Marsh" which is available at the Commission's office and at the Solano County Planning Department.

Priority Use Area

An area along the *shoreline of San Francisco Bay* whose boundaries have been established by resolution and which is illustrated in the San Francisco Bay Plan as being reserved for port, water-related

industry, airport, wildlife refuge or water-related recreation use. [California Government Code Sections 66602 and 66611]

Routine Maintenance and Improvements

(1) The reconstruction and replacement of a bulkhead, seawall, pipe, cable, boat dock, fish ladder, waterway device, or other small water-oriented structure; (2) the construction of docks and piers no wider than 8 feet and no larger than 1,000 square feet if the construction does not adversely impact public access or natural resources; (3) most seismic retrofit work on state highways and bridges that has no impact on public access; (4) some routine maintenance dredging and disposal projects; (5) the installation of some new service lines and utility cables; (6) some routine repairs of pile-supported residences; (7) some temporary facilities; and (8) within the *shoreline band*, the routine repair or maintenance of a structure, associated facility or paved area, and under very limited conditions, the construction of additions and improvements to some existing one- and two-family residences. [California Code of Regulations, section 11700 et seq]

Salt Pond

Any area adjacent to the *Bay* which was diked off from the *Bay* as of November 10, 1966, and used for the solar evaporation of *Bay* water in the course of salt production. [Government Code section 66610(c)]

San Francisco Bay

All areas, except *certain waterways*, subject to tidal action at the highest tides lying between the western end of the Golden Gate at Point Bonita and Point Lobos and the entrance to the Sacramento-San Joaquin Delta near Chipps Island and Collinsville. The *Bay* also includes marshlands, sloughs, and portions of the following rivers, creeks, and other tributaries: Alameda Creek Flood Control Channel, Castro Creek, Gallinas Creek, Islais Creek, Mt. Eden Creek, Navato Creek, San Francisquito Creek, and Spoonbill Creek. Permits are not required for work in other tributaries that flow into the *Bay*. [Government Code sections 66610(a) and (e) and California Code of Regulations, sections 10121, 10122, and 10125]

Secondary Management Area

The upland grasslands and agricultural lands above the ten-foot contour line within the *Suisun Marsh*. [Public Resources Code sections 29101, 29102, and 29103] The *secondary management area* is shown on

the map “Boundaries of the Suisun Marsh” which is available at the Commission’s office and at the Solano County Planning Department.

Shoreline

In open water areas, the mean high tide line (often called the mean high water line), and in marshes, the higher of the mean high tide line or a line five feet above mean sea level. [Littoral Development Company v. San Francisco Bay Conservation and Development Commission (1994) 24 CA4th 1050, 29 CR2d 518]

Shoreline Band

All of the shoreline area, including piers which existed in 1969, located within 100 feet of the *Bay* (measured inland from the *shoreline*). [Government Code section 66610(b)]

Substantial Change in Use

(1) Any construction or other activity costing more than \$100,000; (2) any change in general category of or intensity in use (for example, from agriculture to residential); (3) any activity that adversely affects existing or future public access to the *Bay*; (4) many land subdivisions; or (5) the abandonment or non-routine draining of a *salt pond* or *managed wetland*. [California Code of Regulations, section 10125]

Suisun Marsh

The composite of the *primary management area* and the *secondary management area* of the *Suisun Marsh* as identified on a map entitled “Boundaries of the Suisun Marsh” available at the Commission’s office or at the Solano County Planning Department. [Public Resources Code sections 29101, 29102, and 29103]

Total Project Cost

All of the actual and estimated planning, design, engineering, consultant, and construction costs for a project, including those portions of the project outside of the Commission’s jurisdiction. [California Code of Regulations, section 10331]